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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,824	01/22/2001	Daniel Orsatti	FR919990111US1	2856
25299	7590	07/27/2005	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT YXSA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			MOORE, IAN N	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,824

Applicant(s)

ORSATTI, DANIEL

Examiner

Ian N. Moore

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 10-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. An objection to the drawings is withdrawn since it is being amended accordingly. The drawings were received on 10/20/2004. These drawings are FIG. 2-5.
2. Claim objections are withdrawn since they are being amended accordingly.
3. Claims rejection under 35 USC § 112 second paragraph on claims 2-7 and 8-12 are withdrawn since they are being amended accordingly.
4. Claims 1-12 are amended.
5. Claims 1-3 and 7-9 are rejected by the new and same grounds of rejection necessitated by the amendment.

### *Claim Objections*

6. Claims 1 and 7 are objected to because of the following informalities:
  - a. Claim 1 recites, “a normal cell” in line 8 and “a normal cell” in line 16. For clarity, it is suggested to replace “a normal cell” in line 16 with “**the** normal cell”.
  - b. Claim 7 recites, “a normal cell” in line 6 and “a normal cell” in line 13. For clarity, it is suggested to replace “a normal cell” in line 13 with “**the** normal cell”.

Appropriate correction is required.

**New Ground of Rejection**

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Manchester (US006724728B1).

**Regarding claims 1 and 7**, Manchester discloses a system (see FIG. 1, telecommunication system 10) and method (see FIG. 5, method) for transmitting a loopback cell of a connection (see FIG. 1, loopback ATM OAM cell 24 or 26 on connection 22; see col. 4, lines 1-12; col. 5, lines 10-15) established between a source ATM device (see FIG. 1, source/termination ATM node 14) and a destination ATM device (see FIG. 1, source/termination ATM node 14) of an ATM network (see col. 3, lines 45-65; ATM network), said loopback cell being returned at one of at least one switching nodes located on the connection route (see FIG. 1 and 3, source/termination ATM node 14), said loopback cell entering said switching node by a input port of input adapter (see FIG. 3, input port 78 of line card 70 or 72), before being switched to an output adapter (see FIG. 3, output port 78 of line card 70 or 72) as a normal cell of said connection (see FIG. 1, ATM cell), and being then switched backward to said input adapter (see FIG. 3, switch core 74) and exiting the switching node by said input port of said input adapter instead of said output port of said

output adapter as would a normal cell of said connection (see FIG. 1, existing node 14 back to termination node 14), said system comprising:

means for detecting in said output adapter (see FIG. 3, line card 72) whether an incoming cell includes a loopback condition (see FIG. 5, step 110,112,114,116,120; detection ATM cell with loopback); see col. 7, lines 26-55,

means for appending to any incoming cell which includes said loopback condition a specific routing label (see FIG. 5, step 122, tag cell as OAM loopback cell) indicating that the incoming cell is a cell to be returned in the connection (see col. 7, lines 45-55); and

means for using said routing label by a protocol engine of said output adapter (see FIG. 3, local processor in line card 72) to transmit said cell back to said input adapter, then over said ATM network from said input port of said input adapter like a normal cell traveling on the connection in the opposite direction (see col. 7, lines 55 to col. 8, lines 15; ATM OAM loopback cell is loopbacked and switch like a normal ATM cell toward opposite direction).

**Regarding claims 2 and 8**, Manchester discloses wherein said specific routing label is appended to said incoming cell only if a loop control bit (see FIG. 5, OAM processing tag field 102) is set by a control point (see FIG. 3, local processor 80) of said switching node in said output adapter (see FIG. 3, line cards 70 or 72); see col. 7, lines 4-16, 26-36.

**Regarding claims 3 and 9**, Manchester discloses wherein said specific routing label is an identification of said output port (see FIG. 3, output port 78) to indicate to the protocol engine of said output adapter that said incoming cell should be treated as a normal cell of said connection entering into said output port as if were traveling on the connection in the

opposite direction (see col. 7, lines 4-16, 26-36; tagging an ATM OAM loopback cell is loopbacked and switch like a normal ATM cell toward opposite direction at the output port).

**Same Ground of Rejection**

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1-2 and 7-8 rejected under 35 U.S.C. 102(b) as being anticipated by Moll (5,710,760).

**With regard to claims 1 and 7**, Moll discloses a network routes a normal cell with loopback condition (i.e. test cell) to the loopback endpoint. In the event that a loopback endpoint (adapter) determines that a test cell is to be looped back as indicated (detecting) by loopback indication 18, the loopback indication (routing label) is changed (appending) and the cell is looped back (transmit) to the source endpoint (column 6, lines 29-34). It is inherent that the cell is transmitted via an output port (pod P1) in a switch. With respect to the protocol engine, Moll discloses that ATM endpoints connected to one another via a public switched network employ different control protocols (see col. 6, line 44-51), thus it is inherent that protocol engine/processor must be in a switch (see process/method FIG. 4). Also, when looping back the test cell, it is clear the test cell must travel in the opposite direction “like” a normal cell, via the normal connection between networks.

**With regard to claims 2 and 8**, in the event that a test cell is to be looped back as indicated by loopback indication 18 (loop control bit), the loopback indication (routing label) is changed (appended) and the cell is looped back to the source endpoint (see col. 6, lines 31-34). A protocol engine/processor comprises a control/processing point in order to perform the process/method in FIG. 4.

***Allowable Subject Matter***

11. Claims 4-6 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

12. Applicant's arguments filed 10/20/04 have been fully considered but they are not persuasive.

**Regarding claims 1 and 7**, the applicant argued that, "...the loopback cell of Moll is not processed like a normal cell, using the function and elements of the switching node in a normal manner, but is processed using special text procedures and functions ..." in page 15, paragraph 3.

**In response to applicant's argument**, the examiner respectfully disagrees with the argument above. Examiner finds no difference between Moll's loopback cell and the applicant's loopback cell. First, both of them are "loopback cell" which is "like" a normal cell. Second, claims 1 and 7 recites, "*detecting an incoming cell includes a loopback*

*condition...appending to said incoming cell a specific routing label...a protocol engine transmits to output side...*” Thus, it is clear the applicant invention is also performing and processing “special” procedure and functions just like Moll on a loopback cell.

**Regarding claims 1 and 7, the applicant argued that, “...treating the loopback cell as a normal cell which happens to be traveling the connection in the opposite direction..”**

**In response to applicant's argument,** as described above Moll’s loopback cell is “like” a normal cell, and the purpose of looping back is to transmit the cell in the opposite direction. Thus, it is clear that Moll still discloses the applicant claimed limitations; see Moll column 6, lines 29-34.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on M-F: 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM

*9NM*  
7/22/05

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